

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MISSOURI

3 SCOTT AND RHONDA BURNETT,
4 RYAN HENDRICKSON, JEROD
5 BREIT, SCOTT TRUPIANO, and
6 JEREMY KEEL, HOLLEE ELLIS,
7 and FRANCES HARVEY on behalf
8 of themselves and all others
9 similarly situated,

10 Plaintiffs,

11 vs. Case No. 4:19-cv-00332-SRB

12 THE NATIONAL ASSOCIATION OF
13 REALTORS, REALOGY HOLDINGS
14 CORP (n/k/a ANYWHERE REAL
15 ESTATE, INC.), HOMESERVICES
16 OF AMERICA, INC., BHH
17 AFFILIATES, LLC, HSF
18 AFFILIATES, LLC, RE/MAX LLC,
19 and KELLER WILLIAMS REALTY,
20 INC.,

21 Defendants.

22 VIDEOTAPED DEPOSITION OF MIKE FRAZIER,

23 September 26, 2023

24 LATHROP GAGE LLP

25 2345 Grand Boulevard

 Suite 2200

 Kansas City, MO 64108

 Reported by: Penny M. Jones, RPR, CCR

1 me, Exhibit 23 -- or 2939, you see that is an email
2 that was sent out to the whole list of people;
3 correct?

4 A. Correct.

5 Q. And I believe on here if we go under
6 your name -- we see your name right there; correct?

7 A. Correct.

8 Q. And on the next page it talks about --
9 it's from HomeServices of America, and it's about a
10 CEO call and agenda. And it says, "Please see
11 attached agenda and the financials for today's CEO
12 call." Do you see that?

13 A. Yes.

14 Q. And there's a CEO call that takes place
15 with the chief executive officer of HomeServices of
16 America that you and all the various other CEOs of
17 the companies affiliated with HomeServices of America
18 participate in; correct?

19 A. Correct.

20 Q. And so you're participating in that both
21 on behalf of ReeceNichols and of Berkshire Hathaway,
22 the various affiliates; correct?

23 A. Correct.

24 Q. And how often does that call take place?

25 A. That call takes place once a month.

1 Q. And Mr. Blefari is the one who is
2 leading that call right now; correct?

3 A. Correct.

4 Q. Often?

5 A. Correct.

6 Q. And when he's doing so, he's doing so as
7 the CEO of HomeServices of America, but he's also the
8 chairman of HomeServices Affiliates and the chairman
9 of Berkshire Hathaway HomeServices; correct?

10 MR. VARON: Object to the form.

11 A. Correct.

12 Q. (By Mr. Ketchmark) There's that common
13 ownership between -- or that common involvement of
14 him as the chairman of those different companies and
15 the CEO of HomeServices; correct?

16 MR. VARON: Object to the form.

17 A. In this capacity, he's chairman of
18 HomeServices of America.

19 Q. (By Mr. Ketchmark) And Exhibit No. 20 --
20 and one of the things we have -- you've seen in this
21 case some training material that Mr. Blefari has used
22 in various presentations including Exhibit No. 2071.
23 You've seen that before, have you not?

24 MR. VARON: Object to the form.

25 A. I don't recall ever seeing this.